

## **SECTION G**

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## **WATER POLLUTION CONTROL REGULATIONS**

### **PREAMBLE**

Pursuant to the authority granted by NHRSA Chapter 147, Section I, the Board of Health of the Town of Amherst, New Hampshire consisting of Dr. James Starke and the Board of Selectmen hereby adopts the following regulations to promote the public health, safety and welfare, this 12th day of April 1976, which will become effective on May 15, 1976 and shall remain in effect until revised or amended by the aforementioned as provided by law. Revised October 6, 2003, October 25, 2004.

### **Section 1 Purpose**

The purpose of this Ordinance is to prevent pollution in the water supplies, ground waters and surface waters of the Town of Amherst, NH, by inadequate sewer or waste disposal systems.

### **Section 2 Scope**

No person shall conduct any building from which sewage or waste will discharge, or construct, repair or alter any water disposal system, within the Town of Amherst, NH, without prior approval of plans and specifications by the Town of Amherst, and the New Hampshire Department of Environmental Services

(NHDES), if required, as defined in Env-Ws 1000 and in accordance with the following regulations and procedures.

A. Hazardous Solid Waste Disposal Any person, firm, corporation or institution who removes, transports or disposes of any material containing putrescibles, industrial wastes, or material contaminated with petroleum distillates or hydrocarbons shall do so only with written permission from the Board of Health and its disposal shall be regulated so as not to cause any contamination of ground water or become a health or public nuisance.

B. Conversion of Seasonal Properties Furthermore, no person shall convert the use of a temporary or seasonal residence into use as a full-time residence without prior approval of the existing waste disposal system or approval of plans and specifications as aforesaid.

The conversion of seasonal residences to year round uses shall not be permitted unless a septic system, which meets Town Specifications, can be installed on an area of no less than one-half (1/2) acre provided there is community or municipal water system, and three quarter (3/4) acre with private on-site well. This in no way shall restrict the repair of septic systems that are maintained for seasonal use only, seasonal use being defined as being used only during a limited time during the year of no more than a four-month continuous period.

C. Minimum lot size for unbuilt lots: Furthermore, the construction of a dwelling on any lot, or lot of record, shall not be permitted on an area of less than one-half (1/2) acre (21,780 square feet) where a community or municipal water system is to be used as a water supply; or three-quarters (3/4) of an acre (32,670 square feet) where private on-site well and septic system is proposed. This area shall be provided for each single family dwelling. Any more restrictive state regulations under Env-Ws 1000 regarding minimum lot sizes shall apply.

### **Section 3 Permits**

A. Permits must be applied for by the owner and receive approval by the Town of Amherst, and NHDES, if required, and all fees therefore, must be paid, prior to:

1. The altering of, or repairing of any existing waste disposal system.
2. The construction of any new waste disposal system.
3. The construction of any building from which sewage or waste will discharge.
4. The operation or use of any waste disposal system or building from which sewage or waste will discharge.
5. The conversion of the use of a temporary or seasonal residence into use as a full time residence.

## **Section 4 Fees**

A. No permit shall be issued unless application is made in writing and accompanied by the payment of a fee, which fee shall be established from time to time by the Selectmen, said fee to be paid to the Town of Amherst.

B. All fees for permits and all related costs, shall be borne by the owner, contractor or developer.

## **Section 5 Inspections and Notice**

A. Once a permit has been issued, the owner or contractor must notify the Zoning Administrator when the site is ready for inspection as follows. Failure to notify may result in the revocation of the permit and subject the owner and/or contractor to action under these regulations.

B. The following must be inspected by an official of the Town of Amherst, after notification by the owner or contractor that the site is ready for such inspection:

1. Test pits, percolation tests.
2. The prepared site (bedbottom) of any waste disposal system.
3. Any waste disposal system under construction prior to backfilling and final operation.

C. Inspections shall be made within forty-eight (48) hours of such notice, provided that such notice is given on working days.

D. Written approval, in the form of an Approval for Construction, Approval for Backfilling and Approval for Operation, must be obtained for each appropriate step.

## **Section 6 Repair Procedure**

A. The alteration or repair of any existing waste disposal system may be subject to the requirements of New Hampshire Department of Environmental Services.

B. As Town of Amherst regulations for septic systems are more restrictive than NHDES Regulations, any portion of a waste disposal system being altered or repaired shall comply with all local, as well as State requirements. In-kind replacements are allowed provided approved existing plans of the system are available in the Zoning Office or from the NHDES. In addition there shall be a minimum of three (3) feet from Seasonal High Water Table to the bedbottom if there is an on-site well, or two (2) feet from Seasonal High Water Table to the bedbottom if there is off-site or municipal water available to the lot.

C. Prior to the alteration or repair of any existing waste disposal system, the owner and contractor shall be responsible for the following:

1. Notifying the Town of Amherst Zoning Administrator of the proposed work.
2. Digging the test pit or pits.
3. Obtaining a Building Permit.

## **Section 7 New Construction or Alteration Procedure**

Prior to the issuance of a permit for the construction of any waste disposal system, the owner and contractor shall be responsible for the following:

1. Notifying the Town of Amherst Zoning Administrator of the proposed work.
2. Digging the test pit or pits.
3. Submitting plans and specifications.
4. Making an application for a Building Permit and obtaining a NHDES Approval for Construction.

## **Section 8 Test Pit Procedure**

The alteration, repair or construction of any waste disposal system shall be permitted only after a test pit or test pits have been dug and have been inspected, by an official of the Town of Amherst.

- A. At least one test pit shall be dug on each site that is proposed to have a waste disposal system constructed on it.
- B. At least one test pit must be located within the leaching area of the proposed waste disposal system.
- C. All test pits shall be dug as deep as necessary to verify design parameters and the receiving layer.
- D. All test pits shall be inspected by an official of the Town of Amherst.
- E. Test pits and percolation tests shall be dug and will be inspected only when snow cover or frost, in the opinion of the Health Officer or Administrative Official, is of such depth that valid overall evaluation of a site is possible.
- F. Test pits shall not be left excavated after inspection has been completed by an official of the Town of Amherst.

## **Section 9 Percolation Test Determinations**

- A. Any soil or material which has a percolation rate of slower than thirty (30) minutes per inch is considered to be impermeable. Ledge, clay, hardpan or fragipan, "rotten ledge" and shale are considered to be impermeable, for the purpose of these regulations.

## **Section 10 Filing Procedure**

To obtain approval from the Town of Amherst and the NHDES of plans and specifications for construction of any waste disposal system on any site located within the Town of Amherst, NH, the following procedure shall be followed:

A. A minimum of four (4) copies of plans and specifications as required by these regulations and by the NHDES shall be filed with the Zoning Administrator of the Town of Amherst. A postage paid and addressed envelope shall be provided by the applicant for forwarding of plans and specifications to the NHDES by the Town of Amherst.

B. Upon receipt of the above, the Town of Amherst shall review the proposed plans and specifications and proceed as follows within five (5) working days.

1. If the proposal is acceptable in that it complies with all of the requirements of these regulations, three (3) copies of the plans and specifications shall be forwarded to the NHDES.
2. If the proposal is not acceptable in that it fails to comply with any regulations, it shall be returned to the applicant with a listing of those items which are not in compliance.
3. Upon receipt of a revised set of plans and specifications, the Town of Amherst shall re-examine these plans to determine compliance with these regulations.

## **Section 11 Installation Requirements**

A. The alterations, repair or construction of any waste disposal system within the Town of Amherst, shall not commence until approval has been obtained and a permit has been issued.

B. Once a permit has been approved, the waste disposal system shall be constructed in strict accordance with such plans and specifications. Any deviation from the approved plans and specifications shall be permitted only after a amended set of plans and specifications have been filed and said amended plans and specifications have received approval from the Town of Amherst and, if required from the NHDES.

## **Section 12 Specific Requirements**

The following specific regulations must be complied with when designing, altering, repairing or constructing any waste disposal system within the Town of Amherst.

A. No leaching type of waste disposal system shall be constructed on any site which has less than four (4) feet of natural (original) soil above any impermeable material as defined by Section 9, Paragraph A. of these regulations.

B. No leaching type of waste disposal system shall be constructed on any site which has less than one (1) foot of natural (original) soil above the highest level of the SHWT.

C. No leaching type of waste disposal system shall be constructed on any site which has a natural (original) slope that is steeper than 25%.

D. No part of any leaching type of waste disposal system, except for the septic tank, if sealed, shall be constructed less than seventy-five (75) feet, if the percolation (perc.) rate is slower than five (5) minutes per inch, or less than one hundred (100) feet if the percolation rate is five (5) minutes per inch or faster, from any well or proposed well.

E. No leaching type of waste disposal system shall be constructed less than four (4) feet above the highest level of the SHWT. This measurement to be taken from the bottom of the leaching system to the highest level of the SHWT.

In porous sand and gravel soils with a perc. rate of five (5) minutes per inch or less, the bottom of the leaching area shall be constructed a minimum of five (5) feet above SHWT. The perc. test may be performed at any depth above the SHWT or the free water table.

F. No leaching type of waste disposal system shall be constructed less than four (4) feet above any impermeable material as defined by Section 9, Paragraph A, of these regulations. This measurement to be taken from the bottom of the leaching system to the top of the impermeable material.

G. All waste disposal systems shall be located on the lot in such a way as to provide ready access to the septic tank for pumping and effluent filter maintenance. When a septic tank has an effluent filter than it shall also have a effluent filter alarm system(10.25.04).

H. If such unique conditions exist on the proposed site, in addition to those previously covered by these regulations, which could endanger the successful operation of the proposed waste disposal system, the Official of the Town of Amherst may require such additional information as he deems necessary to verify that the site will support the proposed waste system.

I. If a site has such physical limitations that a leaching type of waste disposal system cannot be designed and built so as to comply with these regulations, that site shall not be approved until such time as new evidence that a system can be designed and built is presented to the Zoning Administrator of the Town of Amherst, or alternate systems of waste disposal are available and approved by the Town of Amherst Board of Health.

J. In the blue shaded area of the U.S.G.S. Aquifer Map, sanitary waste water discharge to subsurface septic leaching systems shall not exceed one thousand (1000) gallons per acre per day, and any area reserved for subsurface septic disposal systems shall; be a minimum of one hundred (100) feet from any surface water or wetland soils as defined in the Zoning Ordinance.

Blue shaded areas on U.S.G.S. Aquifer Map shall be plotted on septic plans submitted for approval, or a statement made to the effect that the land falls outside of the blue shaded areas.

K. No leaching system shall be constructed in the Town of Amherst having a leaching area of less than six hundred (600) square feet or designed with a perc. rate less than twelve (12) minutes per inch ( which is equal to two (2) square feet per gallon of usage per day ), whichever is larger.

L. When these regulations conflict with any other applicable regulations, the more stringent regulations shall be complied with.

M. The water from a sump pump, foundation drain, eavestrough or other ground or surface water drainage system shall not be discharged into any waste disposal system.

N. Where a pre-cast or preformed aeration chamber type of waste disposal system can be used, a 40% reduction in leaching area size from the Amherst Regulations is permitted for residential uses.

O. Geo-Flow, Enviro-Septic, Eljen In-Drain, or equivalent leaching pipe systems designed and installed in accordance with NHDES conditions of approval, may be substituted for conventional leaching systems, subject also to the following:

1. The overall leaching bed area shall be determined in accordance with the requirements of Section 12. Paragraph K. No reduction in size is allowed.
2. The distribution of effluent in a disposal area shall be by the following methods (serial distribution shall not be allowed):
  - A/ Pressure dosing.
  - B/ A single distribution box where each drain field device would be connected to the distribution box with its own supply pipe.
  - c/ Multiple distribution boxes. The effluent from the tank would go to the first distribution box and one third would be diverted to each device (or as many as would be required). 4.10.06

## **Section 13 Operation Certificate**

A. When construction of any waste disposal system is completed in accordance with these regulations, the owner or contractor shall notify the Zoning Administrator of the Town of Amherst of such completion, and an Official of the Town of Amherst shall inspect the completed system within forty-eight (48) hours of such notice, provided that such notice is given on working days; and if satisfied that the system is operable in accordance with these regulations, said Official shall thereupon issue an Approval for Operation for that waste disposal system.

B. No person shall occupy or offer for occupancy any building from which sewage or waste shall be discharged unless all foregoing regulations have been complied with and an Official of the Town of Amherst shall have issued a Certificate of Occupancy and the NHDES has issued an Approval for Operation, if required.

## **Section 14 Miscellaneous Provisions**

A. No septic lagoons or cesspools shall be permitted in the Town of Amherst, NH.



B. The contents of chemical or mechanical toilets shall be disposed of in manner and location approved by the Amherst Board of Health.

C. Pumping out of septic tanks as required for maintenance shall not require a permit nor the payment of a fee, but should be done only by persons or firms authorized under State Law.

D. Notwithstanding the foregoing, upon written application to the Board of Health of the Town of Amherst, a permit may be issued for any waste disposal system that does not conform to the foregoing regulations, when, in the judgment of said Board of Health, such system complies with the spirit and interest of this Ordinance, and the use of same will not constitute a hazard to the public health. Said Board of Health may grant such approval subject to any conditions regulating the use of same, which are deemed necessary, and in the best interest of the public health.

E. The regulations established from time to time by the NHDES (Env-Ws 1000) regulating the activities herein, shall constitute the minimum standards to be complied with and the same are incorporated herein by reference but nothing herein shall be construed to preclude the imposition by the Town of Amherst of more stringent regulations pertaining to the activities regulated hereunder.

F. Repairs. Where, in the opinion of the Administrative or Building Official, with the agreement of the Health Officer, the mandatory requirements of these Water Pollution Control Regulations would impose an unnecessary hardship upon an applicant proposing to repair or replace an existing septic system, such requirements may be waived so as to provide reasonable and functioning facilities.

Any person aggrieved by a decision of the Zoning Administrator or Health Officer, may appeal such decision to the Amherst Board of Health.

